



Office of Crime Victims Advocacy

Task Force Report On Underserved Victims of Crime

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STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

Martha Choe, Director

Office of Crime Victims Advocacy
906 Col umbia
P.O. Box 48304
Ol ympia, Washington 98504-8304

To obtain this publication in an alternative format, please call (360) 725-2895
or TTY/TDD (800) 634-4473 or FAX (360) 586-7176.

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PREFACE – A CALL TO ACTION

The Task Force for funding of community-based services for underserved victims of crime has completed the first phase of its work by the submission of this report. The next phase of this work rests with the Governor and the Legislature. The Task Force is asking, on behalf of thousands of citizens who each year become a victim of a crime defined here as underserved, to take action on the Task Force recommendations. Those crimes include homicide survivors, physical assault victims (nondomestic violence and nonsexual assault related), robbery victims, child abuse victims, victims of vehicular assault and homicide, and victims of property crimes.

In the nearly 30 years of the history of the crime victims movement, thousands of victims in Washington have not had the option of seeking services in their own communities to help them reconstruct their lives after a homicide or assist in their healing process. This is the case because there have been virtually no state funded programs to support the delivery of these services or to build an infrastructure to help communities build such services.

Washington is fortunate to have two agencies, Families and Friends of Violent Crime Victims and Violent Crime Victim Services that specialize in services to survivors of homicide. Each has developed and managed to survive on private fund raising, volunteers, and small federal funds. There are approximately 200 homicides in Washington each year. But there are many more victims than 200. Homicide impacts a family and a community like no other crime. There are countless people who to varying degrees are traumatized by the murder of someone they know or to other crimes – everybody knows. There is an impact to every classmate or co-worker, every relative, every store clerk who knew them casually, the gas station attendant who used to say hi every time they came in for gasoline, the hairdresser or barber with whom they chatted every few weeks, every neighbor they waved at morning and evening, everyone who knew that person.

Similarly, when a person is survivor of a victim of vehicular homicide or victim of vehicular assault, there are very few community-based service resources available to them. Mothers Against Drunk Driving of Washington provides some services, but has only one full time and one part-time staff person for the whole state. Again, there has not been state funding for services to these victims.

A recent Washington State Supreme Court ruling draws our attention to and demonstrates the immediate need for state funding for community-based services for underserved victims of crime. The ruling in question is the felony second-degree murder decision. The Department of Corrections estimates there are nearly 300 cases of felony murder two that could be impacted by this decision. There are countless victims in each of these cases that have already been re-traumatized by the potential of their offender's conviction being vacated. Families and Friends of Violent Crime Victims and Violent Crime Victim Services have been overwhelmed by the demand for services. While this is an unusual circumstance, it does highlight the significant community need and the three decades these victims have been without state funding to support community-based services.

This report and the members of the Task Force are asking that the wait be over. They are asking the Governor and the Legislature to prioritize funding for community-based services to underserved victims of crime.

TASK FORCE REPORT ON FUNDING FOR COMMUNITY BASED SERVICES TO UNDERSERVED VICTIMS OF CRIME

Introduction

The 2002 Legislature passed Senate Bill 6763, which Governor Gary Locke signed on April 3, 2002. This legislation created the Washington State Task Force on funding for community-based services to underserved victims of crime. The legislation defined "underserved victims of crime" for the purpose of this study and the recommendations that would be the product of this effort. The legislation defines underserved victims of

"homicide survivors, physical assault victims (nondomestic violence and nonsexual assault related), robbery victims, child abuse victims, vehicular assault and homicide victims and survivors, and victims of property crimes"

Membership of the Task Force was Specified as Follows

- Director of the Office of Community Development (Community, Trade and Economic Development)
- Secretary of the Department of Social and Health Services
- Director of the Department of Labor & Industries
- At least 11, but not more than 15, additional members, one representative each of community-based organizations that focus on providing services to:
 - homicide survivors
 - assault victims (other than domestic violence and sexual assault)
 - robbery victims
 - child abuse victims
 - victims of drunk and drugged drivers (vehicular assault and vehicular homicide)
 - one representative of organizations that provide services primarily to domestic violence victims
 - one representative of organizations that provide services primarily to sexual assault victims
 - one representative of organizations that provide services primarily to victims who are deaf, blind, or otherwise disabled
 - one representative of organizations that provide services solely for victims to whom English is a second language
 - one representative of victim service programs administered by law enforcement agencies
 - one representative of victim/witness assistance programs administered by county prosecuting attorneys
 - Four legislators, two from the Senate and two from the House of Representatives

The legislation also specified the Task Force was to be chaired by the Director of the Office of Community Development (Community, Trade and Economic Development). The Office of Crime Victims Advocacy (OCVA) was assigned the administrative responsibility for the Task Force, as the entity with this expertise. The Office of Crime Victims Advocacy was created through the Community Protection Act of 1990. OCVA serves as a voice within state government for the needs of and on behalf of victims of crime. The authorizing legislation gave certain specific responsibilities to OCVA. Those are:

1. Assist communities in planning and implementing services for crime victims;
2. Advocate on behalf of crime victims in obtaining needed services and resources;
3. Administer grant programs for sexual assault treatment and prevention services;
4. Advise local and state governments of practices, policies, and priorities which impact crime victims.

Since OCVA was established, the programs, services, and duties have expanded. OCVA advocates on behalf of approximately 250 victims of crime each year who seek our services. In addition, OCVA advocates on behalf of all crime victims calling upon systems to improve their response to victims and to better meet the needs of crime victims. OCVA administers the sexual assault program and the federal and state funds that support services to victims of sexual assault. OCVA was also designated by Governor Lowry as the state administrator for the Violence Against Women Act (VAWA) programs. Those programs and associated federal funds include the STOP grant, Grants to Encourage Arrest, and the Rural Domestic Violence and Child Victimization programs. OCVA continues to seek federal funds to increase or enhance services to victims of crime. OCVA provides notification, through a contract with the Indeterminate Sentencing Review Board, to victims whose

offenders are under consideration for parole. OCVA notifies these victims of their opportunity to participate in the ISRB review process and assists victims if they choose to participate. OCVA also administers Byrne Grant funds that are directed towards domestic violence legal advocacy services and a small grant for services to violent crime victims. The final two programs and funds OCVA administers are the grant to the WA State Association of Court-Appointed Special Advocates and the Indigent Civil Legal Services program. Recommendations and content of the report were developed not only by Task Force members, but also by others in the field of crime victim services, who added their expertise and insight, and some of which also chose to attend Task Force meetings.

The Legislation Directed the Task Force to:

Measure and evaluate the progress of the state in providing funding to community-based programs that provide services to

- Victims of crime, especially the underserved victim populations identified in the legislation;
- Identify available federal, state, and local programs that provide services to victims currently receiving few or no services as defined in this legislation;
- Identify federal and private funds, including funds from foundations and other nonprofit organizations, that may be available for community-based programs that provide services to crime victims;
- Make recommendations on methods to provide a cost-effective coordinated system of support and assistance to persons who are victims of crime;
- Make recommendations on funding necessary to provide appropriate services to the under-served victims, including recommendations on revenue sources;
- Identify statutory and administrative barriers to improving the delivery of cost-effective and coordinated services to crime victims.

Glossary of Terms:

The body of this report contains a number of terms and acronyms that are understood within the crime victim advocacy field, but may be unfamiliar to the reader. A glossary of terms is included here to define terms and to identify acronyms used in the report.

All the terms defined here are in the context of crime victim service. Words may also have similar meaning in other situations, but here are in the context of crime victim services.

Advocacy – acting on behalf of crime victims to protect the rights of victims; working from a philosophy of empowerment to assist victims regaining power of self-determination and to support decisions and choices made by victims of crime

CAC - child advocacy center. Agencies in a few communities in Washington that provide advocacy and treatment services for abused children. Each operates somewhat differently and each has unique service and partner components

Community-based – refers to services provided by not-for-profit agencies in local communities to victims of crime

Crisis intervention – immediate response to acute responses by persons traumatized by their crime victimization. The purpose of crisis intervention is to stabilize and de-escalate the response, identifying or clarifying the victim's immediate needs and next steps

CVC – Crime Victim Compensation, a benefits program administered by the Department of Labor and Industries

DOJ – (United States) Department of Justice

DSHS – Department of Social and Health Services

DV – domestic violence

GFS – general fund state

Healing – progression through which persons who become victims of crime go through as they process and integrate the experience of their victimization. The goal of healing is not that the event never happened, but rather, the criminal event no longer controls every aspect of the victims' daily life. Every person reacts differently and has a unique capacity to hold and process their experience. Through years of experience, the crime victim service field has developed broad descriptions of the reactions and impacts of crime on persons. It is important to note that the term "healing" does not apply, in the same way, to survivors of homicide victims. There is no healing from homicide; one's life is irreversibly changed forever.

LFO – Legal financial obligations. A variety of fines and assessments assigned to convicted offenders. Some of these assessments are court costs, fees, and also include restitution to the victim.

MADD – Mothers Against Drunk Driving

OCVA – Office of Crime Victims Advocacy

Ombuds – a government official who investigates citizens' complaints, in this case victims of crime, and assists in reaching a fair resolution

OVC – Office of Victims of Crime, federal office within U.S. Department of Justice

Public agency – government agency, whether federal, state, county, or city

Public funding – funds derived through taxation or other government means, administered by a public agency

PSEA – Public Safety and Education Account, a dedicated source of state funding. Established and authorized in RCW 43.08.250

SA – sexual assault

System-based – most often refers to criminal justice based services, but can also include other public agency services or entities

Toll-free – refers to telephone lines that are established so that persons can call long-distance at no charge to the caller. A tool that increases access between victims and agencies providing services

Underserved victims of crime – defined by this legislation to mean victims of specific crime categories. Those crime categories are homicide, physical assault (nondomestic violence and nonsexual assault related), robbery, child abuse, vehicular assault and homicide, and property crimes. Note: the term “underserved” is often used in other contexts and has a different meaning. In this document, “underserved” always refers to the definition in SB 6763, as shown here.

VOCA – Victims of Crime Act. Federal funds administered by DSHS that supports direct services to victims of crime.

Task Force Process

The Task Force met six times, for day-long meetings between June and November. In addition to these meetings, members conducted a survey and consulted with program staff and volunteers in their respective agencies to bring a broad base of perspective and insight to the work of the Task Force. Membership of the Task Force included representatives of agencies that founded victim services in Washington State in the early 1970's. Many members of the Task Force are well-known statewide, as well as nationally, for their decades of experience and expertise in services and advocacy for victims of crime.

The Task Force first reviewed what has been accomplished in Washington, to affirm the principles upon which these services have been built, and to use the lessons learned from 30 years of experience to guide the development of these recommendations. Thus, this report consists of:

- Crime victim service provider survey
- History of service development and funding in Washington
- Community-based and system-based services and funding
- What we know about the underserved crime category reporting
- What we know about the impact of crime
- What we know about services to underserved crime victims, using the DOJ work to compare Washington current services system against
- Recommendations for the development of services to underserved crime victims in Washington, including guiding principles
- Ideas regarding fund sources to support community-based service recommendations
- DOJ framework for services for victims of crime
- Conclusion

Task Force Survey of Victim Service Providers

The Task Force first discussed the needs of crime victims. From that discussion emerged four points that were viewed as thematic goals of providing services to underserved victims of crime. Those themes are:

- **Ensure crime victims know their rights.**
- **Ensure crime victims have full access to services.**
- **Design services to alleviate the full impact of crime.**
- **Prevent re-occurrence of the impact of the crime. This means to eliminate bureaucratic indifference, insensitivity, and delay that many victims describe as being “victimized all over again by the system.”**

Once the list of services and support needed by victims was completed, the Task Force wanted to know what services are currently available to underserved victims of crime. The expertise of the members provided information from their working knowledge of agencies and services throughout the state. Knowing, however, this report deserved a more precise measurement of services for underserved victims of crime in Washington, the Task Force created a survey. Task Force members distributed the survey to agencies across the state, requesting they provide information about the services available in their communities. Task Force members gathered this data, organized it, and used the results to inform their recommendations.

The survey verified the experience of the Task Force. When asked if there were crime victims in their communities not being served:

- 94% of the 35 agencies surveyed reported there were victims in their community not being served.
- Of those not served, 24% of agencies said it was because the service does not exist.

- Thirty three percent (33%) of responding agencies added that victims were not served in their community because of lack of capacity of existing agencies.
- An additional thirty three percent (33%) said that the reason was both or a combination of lack of capacity and services not existing.

The Task Force recognizes the shortcomings of the method and extent of this data collection. Nonetheless, the insight, experience, and expertise of the more than 35 agencies that responded are valuable and very useful.

History of State Funded Crime Victim Services in Washington

The first state funded program for crime victim services was the Crime Victim Compensation (CVC) Program, administered by the Department of Labor and Industries. This legislation (RCW 7.68) was passed in 1974, and authorized benefits retroactive to 1972. CVC is a benefits program, paying for the cost of medical services due to injury from a crime incident. In addition, other benefits such as time loss, disability payment, and survivor benefits are available. A number of eligibility criteria must be met, including that the victim either has no health insurance or public assistance, or the insurance has been exhausted.

The Shelters for Victims of Domestic Violence legislation (RCW 70.123) was passed in 1979. This was the first state funding specifically for shelter services for victims of domestic violence. There are currently 44 state-funded domestic violence shelter programs throughout the state. Every community in Washington is within the service area of this network of domestic violence shelter programs.

Also passed in 1979 was The Victims of Sexual Assault Act legislation (RCW 70.125) Similarly, this was the first state

funding specifically for services to victims of sexual assault. There are now approximately 41 community sexual assault programs throughout Washington. While every county does not have a program within its boundaries, every community falls within the service area of these community sexual assault programs.

The Shelters for Victims of Domestic Violence and the Victims of Sexual Assault statutes provided a system of service delivery and public funding for victims of sexual assault and domestic violence in Washington. Community-based agencies provide direct services to victims of sexual assault or domestic violence. The Legislature has continued to support these agencies and services to victims of sexual assault and domestic violence by increasing funding and passing numerous policy improvements. This is not to imply, however, that even these services are adequately funded. Community sexual assault programs and domestic violence shelter programs struggle to meet the demands within their communities.

In its 1982 session, the Legislature addressed the need for both a new funding source for CVC and a mechanism for funding the services required under the victims' rights statute by creating penalty assessments to be imposed upon convicted offenders. Revenue from these assessments was split between the CVC program and victim/witness assistance units in county prosecutors' offices. The required qualifications for county victim/witness programs was set forth in RCW 7.68.035.

In 1985, the assessments imposed in district and municipal courts were blended into the Public Safety and Education Assessment. The Superior Court assessments were left in place, and increased in 1996. Counties continue to retain a portion of this revenue to supplement local support for prosecutor-based victim/witness assistance units. The CVC program continues to receive a large portion of its funding through legislative appropriations from the Public Safety and Education Account.

Community-Based and System-Based Services for Victims of Crime in Washington

Crime victims in Washington state receive assistance from two primary sources: Community-based services and System-based services. Local, not-for-profit programs provide community-based services. System-based services are those provided by a public agency.

Unfortunately, funding for community-based services to underserved victims has not developed in the same way and at the same pace as they have for victims of sexual assault or domestic violence. In terms of state-funded programs, it does matter what kind of crime was perpetrated against a person. Services and funding is a somewhat complex, or at least confusing, array to someone unversed in crime victim services. Following is a chart of services, agencies, and services available in Washington.

CHART OF SERVICES, FUNDING, AND ADMINISTRATIVE AGENCIES FOR VICTIMS OF CRIME IN WASHINGTON

Program in State Agency	Direct Services Provided	Administration of Federal Funds to community-based agencies to support services to victims			Administration of State Funds to community-based agencies to support services to victims			Administration of County/City Funds to community-based agencies to support services to victims		
		Domestic Violence	Sexual Assault	Underserved	Domestic Violence	Sexual Assault	Underserved	Domestic Violence	Sexual Assault	Underserved
Secretary of State's Office The Address Confidentiality Program	Assists victims of domestic violence, sexual assault, and stalking keep their new address confidential.									
Department of Labor and Industries The Crime Victim Compensation Program	PSEA, Federal Funds: This is not exactly a direct service – benefits are paid on behalf of the victim to the service provider. CVC is a benefits program that pays the cost of certain benefits for those who meet eligibility requirements. CVC is a payer of last resort, meaning that the victim has no insurance (including public assistance) or the insurance has been exhausted. Benefits include cost of medical care, mental health counseling, time loss, disability payments, pensions, and survivor benefits. Not all benefits are available to victims of all crime categories.									
Department of Corrections The Victim and Witness Notification Program Community Victim Liaison Program	<p>Notifies enrolled victims and witnesses of violent, sex, serious drug and felony harassment offenses as the offender moves through the correctional system, including release to the community.</p> <p>This program is a recent innovation in the Department of Corrections, designed to assist victims whose offender is part of the Washington Corrections system. Each DOC region has recently been assigned a staff person to serve as a Community Victim Liaison (CVL). The purpose of these positions is to assist individual victims in their interaction with the department and to make connections between community and system-based agencies and services and the department.</p>									
Department of Social and Health Services The Victim and Witness Notification Program	Notifies enrolled victims and witnesses, of crimes committed by juvenile offenders, as the juvenile moves through juvenile rehabilitation programs.	VOCA funds that go for the support of shelter programs	VOCA funds that through an IAG, are administered by OCVA, go for the support of treatment services	VOCA funds that support agencies, some of whom provide services to the underserved victims of crime, as defined by this legislation.	Funds that support shelter programs.					

Program in State Agency	Direct Services Provided	Administration of Federal Funds to community-based agencies to support services to victims			Administration of State Funds to community-based agencies to support services to victims			Administration of County/City Funds to community-based agencies to support services to victims		
		Domestic Violence	Sexual Assault	Underserved	Domestic Violence	Sexual Assault	Underserved	Domestic Violence	Sexual Assault	Underserved
Department of Community, Trade and Economic Development The Office of Crime Victims Advocacy	Individual advocacy; advocacy to improve system response to victims; consultation to communities to improve and enhance services	VAWA Funds: STOP; Grants to Encourage Arrest; Rural DV and Child Victimization; Byrne Funds: Domestic Violence Legal Advocacy	VAWA funds: STOP	Byrne Funds: Homicide and other violent crime		Prevention of sexual assault efforts and services to victims of sexual assault	Support to the WA Association of Court-Appointed Special Advocates, who represent children who are victims of child abuse			
County or City Prosecuting Attorney's Office Victim/Witness Assistance Programs	Crime victims whose cases are prosecuted by the county prosecutor or city attorney may have access to a county or city's Victim/Witness Assistance Program. These programs are primarily prosecutor-based, although a few do exist within city or county law enforcement agencies. Though these programs vary substantially in size and range of services, most inform victims about the availability of Crime Victim Compensation, provide information about hearings and court schedules, and Crime victims whose cases are prosecuted by the county prosecutor or city attorney may have access to a county or city's Victim/Witness Assistance Program. These programs are primarily prosecutor-based, although a few do exist within city or county law enforcement agencies. Though these programs vary substantially in size and range of services, most inform victims about the availability of Crime Victim Compensation, provide information about hearings and court schedules, and provide CVC forms, as well as some level of assistance in completing them. Staff in these programs also assist and support victims through the criminal justice process, and are often responsible for preparing restitution order for entry by courts when offenders are convicted, provide CVC forms, as well as some level of assistance in completing them. Staff in these programs also assist and support victims through the criminal justice process, and are often responsible for preparing restitution order for entry by courts when offenders are convicted.									
	Support victims through the criminal justice process, and are often responsible for preparing restitution order for entry by courts when offenders are convicted.									
County of City Governments								Some large agencies provide funds	Some large agencies provide funds	Virtually no funds to underserved

VIRTUALLY NO CITY OR COUNTY MONEY FUNDS COMMUNITY-BASED SERVICES FOR VICTIMS OF UNDERSERVED CRIMES.

Some county governments have social service grants available on a competitive basis, awarded to not-for-profit agencies. Some of that funding is used for crime victim services. Similarly, a few city governments have social service grants available to not-for-profit agencies, and some of those fund crime victim services.

However, funding levels vary significantly from community to community. Of the few cities and counties that provide funds to crime victim services, virtually all those funds go to support sexual assault or domestic violence agencies. **It must also be recognized that this funding source is definitely on a downward trend, due in large part to loss of revenue after the passage of Initiative 695.**

What We Know About Reported Crimes in Underserved Crime Categories

As defined in SB 6763, victims of underserved crimes include: homicide, robbery, child abuse, assault (other than sexual assault and domestic violence), vehicular assault and homicide. It is important to review available data for these crime categories. Included as Attachment B is a chart of underserved crimes reported per county in 2000. It is important to note that this data indicates only the number of crimes reported to law enforcement. Many crimes are not reported to law enforcement, but crime has occurred and there is an impact to the victim of that crime – regardless of reporting. Yet, this data provides one perspective on how much crime occurs and how many victims of crime live in communities throughout Washington.

A summary of the data indicates the following points of interest:

- In 2000, there were 204 murders in Washington
- In 2000, there were 5,733 robberies in Washington
- In 2000, there were 12,834 aggravated assaults in Washington
- In 2000, there were 15,694 reports of child abuse
- In 2000, there were 41,027 reports of child neglect

What We Know About the Impact of Crime

Crime victimization throws one into a state of chaos and often crisis. One feels a loss of control as their sense of safety and order in the world is destroyed. Victimization calls to question one's ability to judge situations, to trust people and to have the capacity to control one's life. While everyone responds in their own way, there are responses and symptoms that are common to victims of crime. Examples of these symptoms include: fear, emotional numbness, changes in eating or sleeping patterns, confusion, inability to focus or concentrate, rage, nightmares, and sometimes flashbacks. Flashback refers to a phenomenon when something "triggers" the victim and the victim relives the crime incident. Not just that the person remembers the crime, but rather, the person emotionally re-experiences the crime incident.

Victims need to feel safe and be supported in their healing process. For survivors of homicide victims the "healing" process does not really apply. Rather, it is more accurate to say they reconstruct their lives in the aftermath of the crime.

Not every person who becomes a victim of crime will need or seek specific crime victim advocacy and services. Not every person who does need and seeks services will need to rely on state-supported services. However, a significant number of victims do need these services and would seek them if available. It is a justice imperative to assist victims of crime, who bear the impact and consequences of victimization. In addition to the individual justice issue, we are all served when otherwise healthy, productive, participatory citizens who become victim of crime can be assisted quickly and effectively and can return to health, productivity, and full participation in society.

Community-Based and System-Based Services are Vital to Victims and the Community

As services for victims of crime have evolved in both community-based organizations and criminal justice agencies (system-based) in the state of Washington, many communities have discovered the advantages of having both types of services. Communities that have developed partnerships between community and system based services recognize the advantages that both programs bring to the

continuum of services for crime victims. Advocates in system-based programs, usually within prosecuting attorneys' offices but occasionally part of law enforcement agencies, typically have access to information about the status of cases in the justice system.

They are in a good position to assist victims in getting access to those in the system who will be making decisions about their cases – law enforcement officers, prosecutors, judges, and corrections officers. They can assist and support victims in such practical matters as participating in the investigation and the judicial process, getting property returned, and obtaining restitution or crime victim compensation.

Because of their position within criminal justice agencies, they can often be very effective in representing the needs, concerns, or perspectives of crime victims to others within the justice system, both in specific cases and in the development of policy.

Community-based organizations that serve and advocate for victims of crime usually specialize in serving victims of particular kinds of crimes, and tailor their services to meet the needs of their client populations. They are often the primary sources in their communities for such services as emergency shelter for victims of domestic violence, counseling for victims of child abuse, or support groups for rape victims or family members of homicide victims.

As a principal focus of their services, these agencies advocate for their clients, both in specific cases and as they seek changes in systems to make them more responsive to their clients' needs. As independent agencies outside the criminal justice system, they are free to advocate vigorously on behalf of their clients, even when those clients' interests or choices conflict with those of agencies within the system.

These community-based programs generally adhere to a philosophy in which empowering the victim, making the victim's choices the paramount consideration, guides the provision of all services.

Clearly, both types of victim service programs are positioned to offer specific strengths in their ability to serve victims of crime. From a victim's standpoint, it is advantageous to have access to the strengths of both, especially in those cases in which there is a criminal investigation or prosecution.

What We Know About Services for Victims of Underserved Crime Categories

The U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime recently completed a project that is pertinent to the work of the Washington Task Force. The Office for Victims of Crime (OVC) supported several work groups, invited written papers, held public hearings and worked with victim service experts and advocates to develop a set of recommendations regarding services for victims of crime. This body of work is entitled "New Directions from the Field: Victims' Rights and Services for the 21st Century." The Washington Task Force reviewed the recommendations and service descriptions described in the chapter entitled, "Establishing Comprehensive Victim Services." The Task Force generally supports and commends this body of work. The service descriptions from the DOJ work are shown here, as an ideal system of comprehensive services.

The Task Force recognizes that many of the recommendations and philosophical principles stated in the OVC "New Directions..." documents are in place in Washington for victims of certain crimes. However, the Task Force also knows and calls the reader's attention to the fact that many of the necessary services and delivery structure are non-existent for countless crime victims.

The OVC document was a useful means to review and evaluate Washington's efforts to meet the needs of crime victims. The following descriptions are the result of comparison of the ideal system described by OVC and the reality of crime victim services in Washington.

It should also be noted that victims do not typically proceed in an organized and linear way through their healing process or as they reconstruct their lives. Each victim reacts and responds their own way and in their own time. Over the past 30 years, common responses and services have risen to meet the needs of victims of various crimes. Services listed here are in categories and tidy lists. Because recovery from crime victimization is anything but tidy, it is imperative that services be available when the victim needs them, not only in the category as shown.

The service category, as shown in the DOJ work, is shown here in bold. Immediately following the list of services within that category, is a description of Washington's progress towards achieving that service category for all victims of crime. That description is shown in *Italics*.

Emergency Aid by Trained Victim Advocates

- On-scene crisis intervention
- 24-hour crisis hotline
- Sensitive death notification, including child specific notification
- Information on victim rights' and services
- Referrals for emergency financial aid and services
- Emergency transportation
- Emergency medical assistance and advocacy
- Referrals for emergency shelter
- Referrals for short and long-term counseling
- Referrals for short and long-term advocacy
- Local Emergency Fund to aid victims
- Assistance with Crime Victim Compensation application
- Information and assistance on security options
- Emergency restraining or protection orders
- Information and assistance on recovery of stolen property
- Information and assistance on document replacement
- Childcare services
- Crime scene cleanup
- Qualified interpreter services

Emergency aid: Emergency services exist for victims of sexual and domestic violence. However, these services are not complete. Victims of domestic violence are the only crime victims who have access to a statewide, toll-free 24-hour crisis line. Every community sexual assault and domestic violence shelter program in Washington have crisis line

capacity 24 hours a day, every day. There is no statewide, toll-free 24-hour crisis line for underserved victims of crime.

Counseling and Advocacy

- Crisis intervention services
- Short-term counseling
- Long-term counseling
- Legal advocacy
- Medical advocacy
- Non-emergency medical assistance (follow-up care)
- Systems advocacy
- Access and referrals to self-help support groups
- Group counseling
- Community crisis response
- Intervention with media
- Information on civil remedies
- Access to counseling during criminal and juvenile justice adjudications
- Qualified interpreter services

Counseling and Advocacy: Victims of sexual or domestic violence have access to counseling and advocacy. Minimal specialized services for homicide survivors exist in the Puget Sound area. Victims of other crimes do not have access to counseling and/or advocacy services.

Investigation

- Regular updates on status of investigation
- Notification of suspect arrest
- Basic information on the criminal justice system
- Compensation claim filing and processing assistance
- Referrals for short and long-term counseling

- Advocacy
- Qualified interpreter services
- Protection from intimidation and harassment
- Notification of pretrial release of accused
- Input into bail/bond release decisions
- Crime Victim Bill of Rights
- Enforcement of Crime Victim Bill of Rights

Investigation: The level of service implied by this list does not universally exist as described. nor at this investigation stage, as law enforcement agencies do not have victim service programs, with very few exceptions. Some of these services exist some of the time because officers make this information available to victims on cases they are assigned.

Prosecution

- Orientation to the criminal justice system
- Regular updates on status of case
- Accompaniment to court
- Legal advocacy
- Witness alert/on-call technology 24 hours per day
- Safe and secure waiting area
- Employer intervention services
- Notification of plea decisions
- Assistance in recovery of property held as evidence
- Information on restitution
- Restitution routinely requested or an explanation in writing
- Landlord/creditor intervention
- Transportation/parking assistance
- Child care services

Prosecution: Many of the services described are required by law to be available through Prosecutor-based Victim Witness/Assistance Units. The degree to which these services are actually available varies dramatically from county to county. For sexual assault and domestic violence victims, advocacy-related services are generally available from community sexual assault and domestic violence programs.

Sentencing

Notification of right to submit a victim impact statement
Victim impact information in pre-sentence investigation report
Victim impact statement – written
Victim impact statement – allocution
Victim statement of opinion
Audio taped or videotaped victim impact statement

Sentencing: *Sentencing services are required to be available through Prosecutor-based Victim Witness/Assistance Units. The degree to which these services are actually available varies dramatically from county to county. Domestic violence and sexual assault victims can also usually receive assistance with the design of victim impact statements through community-based sexual assault and domestic violence programs. There are limited sentencing services available to victims of homicide in the Puget Sound area.*

Post Disposition

Information/notification of appeal
Collection of restitution
Restitution payment as condition of probation or parole
Notification of parole hearing
Victim impact statement at parole – written
Victim impact statement at parole – allocution
Audio or videotaped victim impact statement at parole
Notification of violation of parole/probation
Notification of application for clemency, pardon, or commutation
Notification of escape and capture
Notification of custody location
Name of probation officer or other supervised community release officer
Notice of execution date in death penalty cases
Advance notification of release

Post Disposition: The Department of Corrections and the Department of Social and Health Services each have a Victim Notification program. These programs are available to victims and witnesses who choose to enroll. Once enrolled, victims or witnesses are notified of any change in status (such as transfer to another facility, escape, release) of the offender.

It is important to note, however, that state funding for underserved victims of crime (as defined by this legislation) does not exist. **THE STATE PROVIDES NO STATE FUNDING TO SUPPORT COMMUNITY-BASED AGENCIES THAT SERVE THESE VICTIMS.**

The following few paragraphs describe what is currently available in Washington for victims of underserved crimes, as defined by this legislation.

Homicide: funding for community-based services for victims of homicide is grossly inadequate. Very few agencies, such as Families and Friends of Violent Crime Victims and Violent Crime Victim Services have the structure and expertise to serve these victims. Services that do exist tend to be clustered along the I5 corridor. Minimal funding to these agencies is federal money, administered by state agencies. Basic services for survivors of homicide victims includes, but is not limited to:

- Crisis intervention
- Legal advocacy
- Support groups
- Referral to therapy services
- Support services
- Media intervention
- Information and referral to other resources
- Post case disposition support

Physical Assault: there is no state funding that supports community-based agencies providing services to victims of physical assault (other than domestic violence and sexual assault). There are no organized, coordinated crime victim specific services for victims of assault.

Robbery: there is no state funding that supports community-based agencies providing services to victims of robbery. There are no organized, coordinated crime victim specific services for victims of robbery.

Child Abuse: the Department of Social and Health Services, through Child Protective and Child Welfare Services certainly provide investigation, placement, case supervision, and sometimes supportive or therapy services to the families of child abuse victims who are in

the dependency system. It is important to make the distinction between CPS involvement in a dependency case and that framework and the framework of a criminal case and victim services. If the abuse is charged as a crime and a criminal case results, these children do not have community-based advocates—except in very few communities. Likewise, services specific to the child's being a victim of child abuse and in need of therapeutic intervention to deal with the trauma of this victimization, do not generally exist. There are five communities in Washington where, fortunately, such services do exist. These communities have developed a Child Advocacy Center to provide specific advocacy, case management, support, and therapy to these children. There are five full centers in Washington, Grays Harbor Children's Advocacy Center, Kids First Children's Advocacy Center in Stevens County, Monarch Children's Justice and Advocacy Center in Thurston County; Casey Family Partners in Spokane County; and Child Abuse Intervention Center in Clark County.

Vehicular Assault/Vehicular Homicide:

Mothers Against Drunk Driving (MADD) serves victims of vehicular crimes. These services are extremely limited and are almost exclusively dependent on private donations, unpaid staff and volunteers. Currently, MADD is fortunate to have a federal grant. This grant provides funds for one full-time and one part-time staff position to serve victims of vehicular assault and homicide throughout Washington.

Property Crimes: there is no state funding that supports community-based agencies providing services to victims of property crimes. There are no organized, coordinated crime victim specific services for victims of property crimes.

Note: There are some crime categories for which CVC will make a benefit payment to a community-based agency for eligible services to certain crime victims who have a CVC claim. An example is that CVC can pay benefits to an agency that has a mental health therapist on staff providing counseling to a survivor of a homicide victim. However, most of the services provided by community-based agencies are not eligible services for benefit payment, under CVC.

Victims' Rights Enforcement: while not a specific crime category named in the legislation, it is extremely important to the Task Force. The enforcement of victim rights is one of the four

themes that must be part of the design and implementation of crime victim services in Washington. The design is in place, both by statute and the State Constitution. However, there is no mechanism to enforce these rights. The constitution and statutory victims rights are attached as C and D respectively.

Ombuds: again, the legislation did not specifically list ombuds authority, but it is a means by which to enforce the statutory and State Constitutional rights noted above. Currently, ombuds authority for the enforcement of victims' rights does not exist.

WHAT THE TASK FORCE RECOMMENDS

Guiding Principles: Based on the experience of decades of crime victim service development, four guiding principles have emerged and should guide the enhancement of services to underserved victims of crime. These guiding principles call for services to be coordinated, comprehensive, and collaborative. These principles have developed over years of experience in building comprehensive services and in creating necessary infrastructure to deliver services to victims of crime. Victims of crime are thrown into a number of public and private systems, such as criminal justice, medical, child protective services, schools, mental health, crime victim compensation, and corrections. The more these services are coordinated, cooperative, and collaborative between and among each other – the better victims are served. Not only are victims better served, but also funds go further and efforts are more effective and efficient. The final principle that has guided past development and is very important to continue as part of any future development of services is to support and allow for as much local design and decision-making by communities as possible.

Based on the information outlined previously, the Task Force member's collective knowledge and experiences, as well as statistical analysis, the Washington State Task Force on Underserved Victims of Crime recommends that the Legislature begin to build a system of response and services for these victims. **It is also a commitment, based on absolute conviction, that services for underserved victims must not be at the expense of any current crime victim services.** The crime victim advocacy community has worked long and hard over many years to achieve the present level of services for victims of crime. No crime category of victims is more important or deserves more support than another. Each victim deserves justice and the services necessary to recover from their victimization.

When the Task Force states that each victim deserves justice and the services necessary to recover from their victimization, there is also acknowledgement that many victims of crime are also not served due to other barriers. Those barriers include, but are not limited to: language, ethnicity, disability, sexual orientation, geographic isolation, and cultural relevancy of "mainstream agency" services. The Task Force is committed to building a structure of services that increase accessibility for all victims, as well as builds capacity of agencies serving diverse communities.

No recommendations or proposals can be made to the Governor or the 2003 Legislature outside the context of the budget crisis facing Washington. The Underserved Crime Victim Task Force most assuredly was constantly cognizant of the current fiscal reality. However, this is a plan that will serve as a framework for building a comprehensive system of services for years to come. It is in that framework that the Task Force makes these recommendations. It may not be feasible to allot new funding for these service recommendations for the 03-05 biennium, although any allocation will help victims. As Washington recovers economically and/or new resources are created, these proposals can serve as valuable guidelines for future investments. It is also important to recognize and act on the recommendations here that would not require new funds, but rather, can be accomplished within current funds by reprioritization of activities. The Task Force asks that these final points be carefully considered during the 2003 Legislative Session.

The recommendations listed here are in priority order, as determined by the Task Force. The first two recommendations call for funding for technical assistance to build capacity and funding for delivery of services. The Task Force has identified these non-existent services and strongly recommends this as the place to begin.

1. Create a funding pool, administered by the Office of Crime Victim Advocacy, for technical assistance and capacity building for underserved crime victim categories. These funds should be allocated on a competitive basis to those entities possessing the specialized expertise required. These funds could be characterized as building infrastructure, by developing community capacity to enhance or to create services for underserved categories.
2. Create a funding pool, to be administered by the Office of Crime Victims Advocacy, for delivery of services throughout Washington. The Task Force recommends that this pool be allocated on a formula basis, so as to assure access to services throughout Washington. The formula would be composed of a base amount, per county, with an amount added on according to population of the county. Local communities would decide what services are most needed, to what extent each crime category will be addressed, and to what service providers funding should be contracted. While funds are based on distribution per county (used only as a geographic description), it may be more feasible to consider regional configurations of service

delivery. This should not only be allowed, but also encouraged through the applications for funding.

3. Fund a comprehensive study to more thoroughly identify the scope and service needs of victims of crime who are currently underserved. The outcome of the study should include a 6year strategic plan for implementing an appropriate system of services for these crime victims. It should be noted that the first two recommendations in this Task Force Report are based on the extensive knowledge and experience of the Task Force participants and a limited survey which provides a valuable snapshot of the gaps in services and funding but is not fully comprehensive. A study as suggested here will provide a more exact picture of need and gaps between an appropriate system of services and what is currently available in Washington.
4. Invest OCVA with ombuds authority. OCVA has a number of statutory responsibilities: make recommendations; assist communities; and administer grants for crime victim service delivery. OCVA also provides advocacy services to individual victims, as well as consults with service providers throughout the state. Advocacy is based on supporting victims in their choices and supporting their healing process. Advocacy includes presenting the victims perspective and helping them present their wishes. Victims of crime have State Constitutional and statutory rights (RCW 7.69, RCW 7.69A, Title 13 included as Attachment C), most of which are specific to the criminal justice system and process. These rights provide one having access to full participation in the criminal justice process. The realization of these rights is currently dependent on criminal justice system staff willingness to honor these rights. OCVA staff advocates for the realization of crime victim rights. However, there is no mechanism to assure these rights are fulfilled. There are models in other states that include ombuds authority. This process would include:
 - Submission (by a victim who believes their rights have been violated) of request for review by OCVA
 - Review of the submission by the victim of crime
 - Contact with the agency who is alleged to have violated the right
 - Review of information of the agency alleged to have violated the right
 - Determination of violation or not and written notice to all parties

- Upon determination of rights violation, the agency must respond in writing (change of process, development of policy, decline to make any change, etc.)
5. Improve the assessment and collection of legal financial obligations of offenders, such as restitution. The Department of Corrections currently has responsibility for the collection of restitution from offenders. Each county has its own method of collecting restitution. Some counties are quite successful, while most struggle to collect what is due.
 6. The Task Force requests that State agencies re-affirm their commitment to crime victims through public awareness and outreach efforts. State agencies play a crucial role of connection between communities and service delivery systems. Most people do not have an understanding or even awareness of services for victims of crime. It's not something one thinks about – until one needs it. At that point, people are in a state of turmoil and are thrown into a complex set of systems (law enforcement, criminal justice, mental health, crime victim compensation, insurance, and others) with little understanding of where to obtain assistance. The Task Force recommends that all state agencies maintain the integrity of outreach and community awareness, even in the midst of shrinking resources and the consequent pressure to provide services. The Task Force also recognizes the dilemma that outreach and awareness efforts result in additional requests for services, a demand difficult to meet with shrinking resources.
 7. The Task Force recommends OCVA continue efforts to expand its database of resources. OCVA has developed a resource directory of services for victims of crime. This directory includes national and state resources. In addition, the directory is organized by county and lists agencies (system-based and community-based) that provide services to victims of crime. Each agency description includes types of services, crime category services, eligibility, and contact information. In 2001, the resource directory became available over the Internet.
 8. Fund a statewide, toll-free crisis/information telephone line for all crime types, to be administered by OCVA. Currently, the only victims who have access to a statewide, toll-free, crisis/information telephone line are victims of domestic violence. This is a very valuable and important service for victims of crime. None of us expect or really think about becoming a victim of crime, until it

does happen to us. Being a crime victim throws one into complex and confusing systems and processes such as law enforcement investigations, prosecution, corrections, medical services, child protection services, civil suits, trial processes, mental health counseling, advocacy, and crime victim compensation. These are systems and processes largely unknown to the general public. They are difficult enough to navigate, without the impact of being of victim of a crime. Often, victims of crime are thrown into a state of crisis. Crisis intervention is a critical component of full victim services. A telephone line established to provide crisis intervention, information, and referral for all victims of all crimes, 24 hours a day would be extremely helpful. While many communities have such lines for sexual assault and domestic violence victims, there is no statewide service for victims, other than domestic violence. The statewide crisis line would not take the place of any current statewide or local crisis line. Nor does a crisis line take the place of the continuum of services for victims of crime. Rather, such a telephone line is an invaluable resource for immediate crisis intervention and then as a link to comprehensive services provided in one's own community.

Ideas for Funding to Support Crime Victim Services Recommendations

Again, the Task Force was very cognizant of the budget crisis facing Washington as we approach the 2003 Legislative Session. Members are aware that any request for funding must include potential sources of revenue. The Task Force struggled with this component of the report, as it falls outside their area of expertise. These might be partial solutions or ideas that could be developed into fuller funding solutions. There may also be a variety of ways to fund these proposals. Nonetheless, the Task Force offers the following ideas.

- PSEA – as this fund's revenue increases, the Task Force recommends that funding for services to underserved victims of crime be prioritized
- Inmate earnings – increase the percentage of inmate earnings, with the additional amount going to services for underserved victims of crime. Do not decrease the percentage going to Crime Victim Compensation. Do not change the prioritized position of restitution. Money from increasing the percentage should be dedicated to services for underserved victims of crime.

- Increase the traffic fine surcharge, with the increase being dedicated to increase funding for services to underserved victims of crime.
- Increase the tax on alcohol, with the increase being dedicated to funding services to underserved victims of crime.
- From the GFS Savings Incentive Program, dedicate a percentage to go to fund services for underserved victims of crime.

DOJ Framework for Services for Victims of Crime

The U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) recently published "New Directions from the Field: Victims' Rights and Services for the 21st Century." In the chapter entitled, "Establishing Comprehensive Victim Services" a system of services is described. This body of work describes a system of services that is comprehensive, and shows the value of coordination, cooperation, and collaboration. The OVC work contains many important philosophical statements regarding services for victims of crime. The Washington Task Force used the OVC statements, making small changes to adapt to Washington. These guidelines can provide the framework for the proposed development and enhancement of services to underserved victims of crime in Washington.

Victim assistance providers should encourage victim leadership and involvement in the development and implementation of all programs and services they provide, including public awareness, education, and violence prevention programs.

Victim assistance programs and services should be designed to reach diverse constituencies. All policymakers, program administrators, and staff should be knowledgeable and skilled in serving diverse cultural and ethnic groups.

Survivors, community, and victim service providers should join with criminal justice and juvenile justice and allied professionals to conduct needs assessments in their communities to identify underserved victim population groups and to determine the types of services that should be available for these groups.

Victim service providers should work with allied professionals, other victim service providers, and leaders in their community to ensure that a comprehensive network of services and support is available for crime victims.

Standards for victim assistance should be developed and instituted to guide those who serve victims in community-based programs as well as across all justice systems.

Victim assistance providers must receive basic training and annual continuing education on crime victims' rights and services.

Efforts should be made to increase public awareness of crime victim programs and services.

Evaluation studies, based on meaningful outcomes, should be conducted to determine if current methods of victim assistance are effective and to identify critical areas in which additional victim intervention and assistance services are needed.

There should be clearly defined code of ethics to bind all victim service providers in the field to designated standards of behavior.

Victim assistance providers should expand current statewide networks to build a capacity for addressing communities in crisis. Washington should develop a crisis response team and interact with other disaster planning efforts.

Victim service providers should develop interagency response protocols for assisting all crime victims.

A statewide hotline that provides 24-hour immediate crisis counseling, information, and referral to services for all victims of crime should be established.

Victim assistance programs should integrate technological advancements into their programs to help better meet the needs of crime victims.

Victim assistance programs should comply fully with the 1990 Americans with Disabilities Act to ensure that victims with disabilities can access available services. More programs that focus on serving victims with disabilities must be established. Additional research should be conducted to determine the extent of victimization against people with disabilities and to guide strategies to increase reporting and prevent this type of victimization. Criminal justice professionals and the victim service community must receive additional training in providing outreach and assistance to victims with disabilities.

Victim service providers should be trained to assist crime victims who interact with members of the media.

Conclusion

The Legislature, through SB 6763, established a task force on funding for community-based services to underserved victims of crime. The legislation defined underserved crime victims as those who are victims of the following crime categories: homicide survivors, physical assault victims (nondomestic violence and nonsexual assault related), robbery victims, child abuse victims, vehicular assault and homicide victims and survivors, and victims of property crimes.

The Task Force met between June and November 2002. The Task Force participants represented decades of experience providing services to victims of crime. The Task Force reviewed available data, including the results of a survey they conducted, and had important discussions in which many topics were considered. Task Force members used their experience gained from having served thousands of victims of crime, as well as the knowledge that has developed over the past 30 years.

The Task Force developed recommendations calling for the Legislature to recognize that while Washington has an impressive history of commitment to victims of crime, community-based service support has been largely limited to

victims of domestic violence and sexual assault. There are far too many victims who cannot go to agencies in their community to obtain the support and advocacy they need – because those agencies (with rare exceptions) do not exist. To remedy this and meet the needs of underserved victims of crime, the Task Force made several recommendations.

The Task Force was very cognizant of the current revenue shortfall that will impact the 03-05 biennial budget. The Task Force urges the Legislature to prioritize crime victim services. The recommendations and information contained in this report are pertinent not just for the 03-05 biennium, but for years to come. A framework of principles and goals has been developed for the building of a comprehensive service delivery system that is coordinated, cooperative, and collaborative and driven by community decision-making. Now is the time to begin making this a reality for all crime victims in Washington.

Attachment A: Task Force Participant List

Name	Agency
Mina Apacible	Department of Community, Trade and Economic Development
Shannon Blood	Office of Crime Victims Advocacy
Representative Marc Boldt	Washington State House of Representatives
Suzanne Brown	Washington Coalition of Sexual Assault Programs
Garry Boulden	Seattle Police Department, Victim Assistance Unit
Natalia Calhoun	Lummi Crime Victim Services
Senator Don Carlson	Washington State Senate
Roy Carlson	Department of Social and Health Services
M. Laura Contreras	Columbia Legal Services
Fanny Correa	Washington Coalition of Crime Victims Advocates
	Separation and Loss at Virginia Mason Hospital
Senator Jeralita Costa	Washington State Senate
Lew Cox	Violent Crime Victim Services
Seth Dawson	State Association of Children's Advocacy Centers
Janice Deal	Department of Labor & Industries
Rachel deSilva	Columbia Legal Services
Pat Dettling	Department of Social and Health Services
Steve Eckstrom	Department of Corrections
Bev Emery	Office of Crime Victims Advocacy
Nancy Foll	Washington State Association of Children's Advocacy Centers
Sieglinde Gassman	Washington Association
Joan Guenther	Washington Coalition of Crime Victim Advocates
Susanne Guinn	MADD of Washington
Lonnie Johns-Brown	Washington Coalition of Sexual Assault Programs
Susan Hannibal	Department of Social and Health Services
Cathy Hoog	Abused Deaf Women Advocacy Services
Christi Hurt	Washington Coalition of Sexual Assault Programs
Daneka Keith	Washington Coalition of Crime Victim Advocates
Robin Light	Yakima County Prosecutor's Office
Representative Toni Lysen	Washington State House of Representatives
Elyse May	Department of Social and Health Services
Margaret McKinney	Office of Secretary of State
Cletus Nnanabu	Department of Labor and Industries
Gary Reisen	Washington Association of Prosecuting Attorneys
Kimala Rendon	Families and Friends of Violent Crime Victims
Edith Rice	Senate Committee Services
Scott Somers	Washington Association of Sheriffs and Police Chiefs
Nan Stoops	Washington State Coalition Against Domestic Violence
Glenda Tanner	Proud African American Youth Services
Jenny Wieland	Families and Friends of Violent Crime Victims
Pat Wulf	Department of Social and Health Services

Attachment B: Underserved Crimes Reported in 2000

	Murder	Robbery	Aggravated Assault	Burglary	Larceny
Adams	0	5	21	161	429
Asotin	1	5	28	125	686
Columbia	0	0	5	41	128
Ferry	2	0	5	30	50
Franklin	3	35	83	357	1245
Garfield	0	0	6	21	63
Lincoln	0	1	9	60	84
Pend Oreille	0	2	9	118	249
Spokane	12	475	1141	4676	16719
Stevens	7	1	19	234	761
Whitman	0	5	38	223	665
Walla Walla	0	26	142	422	1691
Okanogan	2	5	63	231	661
Chelan	1	22	82	461	2262
Douglas	1	4	33	254	750
Kittitas	1	7	38	368	1402
Grant	3	36	157	699	2341
Yakima	14	171	368	3052	8586
Benton	2	51	246	885	3849
Klickitat	0	2	42	119	338
Whatcom	5	73	213	1525	5395
Skagit	4	39	62	998	4615
Snohomish	10	322	682	3850	12244
King	58	2652	4087	1432	60966
Pierce	33	1205	2965	8276	27476
Thurston	2	106	332	1922	5481
Lewis	7	32	133	737	2122
Skamania	0	1	6	65	169
Clark	5	212	633	2278	9044
Cowlitz	1	60	216	1052	3448
Wahkiakum	0	0	1	21	48
Pacific	1	3	38	212	407
Grays Habor	5	10	82	652	2286
Mason	2	20	84	806	1626
Jefferson	1	6	46	229	578
Clallam	1	11	54	355	1505
Island	1	7	27	337	1029
Kitsap	8	127	689	2164	6422
San Juan	0	0	6	64	144
	193	5739	12891	39512	187964

Attachment C: Washington State Constitution

Washington State Constitution ARTICLE I DECLARATION OF RIGHTS

- SECTION 35 VICTIMS OF CRIMES - RIGHTS.
Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights. Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel. *[AMENDMENT 84, 1989 Senate Joint Resolution No. 8200, p 2999. Approved November 7, 1989.]*

Attachment D: Victims Rights

RCW 7.69.030

Rights of victims, survivors, and witnesses.

- There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:
- (1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;
- (2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;
- (3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;
- (4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;
- (5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;
- (6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;
- (7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property

subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

- (8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;
- (9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;
- (10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;
- (11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;
- (12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;
- (13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all pre-sentence reports and permanently included in the files and records accompanying the

offender committed to the custody of a state agency or institution;

- (14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;
- (15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and
- (16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.
- [1999 c 323 § 2; 1997 c 343 § 1; 1993 c 350 § 6; 1985 c 443 § 3; 1981 c 145 § 3.]

NOTES:

Intent -- 1999 c 323: See note following RCW 9.94A.885

Findings -- Severability -- 1993 c 350: See notes following RCW 26.50.035

Severability -- Effective date -- 1985 c 443: See notes following RCW 7.69.010

Child victims and witnesses, additional rights: Chapter 7.69A RCW.